

**ROUTING AND TRANSMITTAL SLIP**

Date

TO: (Name, office symbol, room number, building, Agency/Post)	Initials	Date
1. <i>EO/OAA</i>	<i>R</i>	29 NOV 1983
2. <i>ADDN</i>	<i>R</i>	29 NOV 1983
3. <i>RDA</i>	<i>R</i>	29 NOV 1983
<i>[Box] FID</i>	<i>Ch</i>	12 Dec
5. <i>Registry</i>		

Action	File	Note and Return
Approval	For Clearance	Per Conversation
As Requested	For Correction	Prepare Reply
Circulate	For Your Information	See Me
Comment	Investigate	Signature
Coordination	Justify	

**REMARKS**

*Cys sent to A/OIS, A/OS & OGC.*

29 NOV 1983

DO NOT use this form as a RECORD of approvals, concurrences, disposals, clearances, and similar actions

FROM: (Name, org. symbol, Agency/Post)	Room No.—Bldg.
	Phone No.

5041-102

OPTIONAL FORM 41 (Rev. 7-76)  
Prescribed by GSA  
FPMR (41 CFR) 101-11.206

☆ GPO : 1981 O - 361-529 (148)

**EXECUTIVE SECRETARIAT**  
**ROUTING SLIP**

TO:

		ACTION	INFO	DATE	INITIAL
1	DCI				
2	DDCI				
3	EXDIR				
4	D/ICS				
5	DDI				
6	DDA		✓		
7	DDO				
8	DDS&T				
9	Chm/NIC				
10	GC				
11	IG				
12	Compt				
13	D/EEO				
14	D/Pers				
15	D/OLL		✓		
16	D/PAO		✓		
17	SA/IA				
18	AO/DCI				
19	C/IPD/OIS				
20	C/SEZOM		✓		
21					
22					

SUSPENSE

Date

Remarks

Executive Secretary

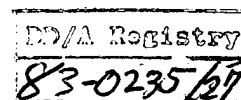
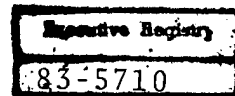
11/28/83

Date

3637 (10-81)



UNITED STATES GENERAL ACCOUNTING OFFICE  
WASHINGTON, D.C. 20548



NATIONAL SECURITY AND  
INTERNATIONAL AFFAIRS DIVISION

25 NOV 1983

DD/A REGISTRY  
70-4

The Honorable William J. Casey  
Director, Central Intelligence Agency  
Washington, D.C. 20505

Dear Mr. Casey:

Enclosed for your information is a copy of our October 18, 1983, report, "Effect of National Security Decision Directive-84, Safeguarding National Security Information" (GAO/NSIAD-84-26), which was prepared for the Chairman, Subcommittee on Legislation and National Security, House Committee on Government Operations.

In June 1983, the Chairman sent you a questionnaire concerning the probable impact of the directive. Later, we were asked to obtain additional information relevant to the directive. We appreciate the cooperation of your representatives in providing the information to the Chairman and to us.

Sincerely yours,

Dr. Kenneth J. Coffey  
Associate Director

Enclosure



**ROUTING AND TRANSMITTAL SLIP**

Date

TO: (Name, office symbol, room number,  
building, Agency/Post)

Initials

27 DEC 1983

1. *EO/DOA*

*R*

2.

3.

4.

5.

*Registry*

*11/9/84*

Action	File	Note and Return
Approval	For Clearance	Per Conversation
As Requested	For Correction	Prepare Reply
Circulate	For Your Information	See Me
Comment	Investigate	Signature
Coordination	Justify	

**REMARKS**

*cys to OS & OTS 27 DEC 1983*

*BA*

*DOA-DOA brief*

DO NOT use this form as a RECORD of approvals, concurrences, dispositions, clearances, and similar actions

FROM: (Name, org. symbol, Agency/Post)

Room No.— Bldg.

Phone No.

Central Intelligence Agency

DD/A Registry

83-0235/31



Washington, D.C. 20505

OLL 83-2950/a

23 DEC 1983

The Honorable Patricia Schroeder  
 Chairwoman  
 Subcommittee on Civil Service  
 Committee on Post Office  
 and Civil Service  
 House of Representatives  
 Washington, D.C. 20515

DD/A Registry  
 File 70-4

Dear Madam Chairwoman:

In response to your letter of 5 December 1983 requesting information on certain former Agency employees, please find an enclosed list of the current addresses of those individuals identified in the above letter.

If we may provide further assistance on this matter, do not hesitate to contact us.

Sincerely,

[Redacted Signature]  
 Deputy Director,  
 Office of Legislative Liaison

Enclosure

cc: The Honorable Don Edwards

## Distribution:

Original - Addressee 1 - [Redacted] OGC, w/encl.  
 1 - DCI, w/encl.  
 1 - DDCI, w/encl.  
 1 - EXDIR, w/encl.  
 1 - DDA, w/encl.  
 1 - ER, w/encl.  
 1 - PAO [Redacted], w/encl.  
 1 - C/SECOM, w/encl.  
 1 - D/OLL, w/encl.  
 1 - DD/OLL, w/encl.  
 1 - OLL Record, w/encl.  
 1 - OLL Chrono, w/o encl.

LEG/OLL: [Redacted]:grf (23 December 1983)

**Page Denied**

Central Intelligence Agency

83-0235/31



Washington, D.C. 20505

OL 83-0235/b

23 DEC 1983

The Honorable Don Edwards  
Chairman  
Subcommittee on Civil and  
Constitutional Rights  
Committee on the Judiciary  
House of Representatives  
Washington, D.C. 20515

Dear Mr. Edwards:

In response to your letter of 5 December 1983 requesting information on certain former Agency employees, please find an enclosed list of the current addresses of those individuals identified in the above letter.

If we may provide further assistance on this matter, do not hesitate to contact us.

Sincerely,

[Redacted]  
Deputy Director,  
Office of Legislative Liaison

Enclosure

cc: The Honorable Patricia Schroeder

Distribution:

Original - Addressee 1 - [Redacted] OGC, w/encl.  
1 - DCI, w/encl.  
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1 - ER, w/encl.  
1 - PAO [Redacted] w/encl.  
1 - C/SECDEF, w/encl.  
1 - D/OLL, w/encl.  
1 - DD/OLL, w/encl.  
1 - OLL Record, w/encl.  
1 - OLL Chrono, w/o encl.

LEG/OLL [Redacted] grf (23 December 1983)

STAT

**Page Denied**



Date

**ROUTING AND TRANSMITTAL SLIP**

TO: (Name, office symbol, room number, building, Agency/Post)	Initials	Date
1. <i>EO/DOA</i>	<i>[Signature]</i>	8 DEC 1983
2. <i>ADDA</i>	<i>[Signature]</i>	8 DEC 1983
3. <i>DOA</i>	<i>[Signature]</i>	9 DEC 1983
4. <span style="border: 1px solid black; display: inline-block; width: 100px; height: 20px;"></span>	<i>[Signature]</i>	12 DEC 1983
5. <i>Registry</i>		

Action	File	Note and Return
Approval	For Clearance	Per Conversation
As Requested	For Correction	Prepare Reply
Circulate	For Your Information	See Me
Comment	Investigate	Signature
Coordination	Justify	

**REMARKS**

*Cy sent to OS + QLS* 8 DEC 1983  
*BA*

*Cy to A/OP* 12 DEC 1983  
*BA*

DO NOT use this form as a RECORD of approvals, concurrences, disposals, clearances, and similar actions

FROM: (Name, org. symbol, Agency/Post)	Room No.—Bldg.
	Phone No.

5041-102

OPTIONAL FORM 41 (Rev. 7-76)  
Prescribed by GSA  
FPMR (41 CFR) 101-11.206

**EXECUTIVE SECRETARIAT**  
**ROUTING SLIP**

TO:

		ACTION	INFO	DATE	INITIAL
1	DCI		✓		
2	DDCI		✓		
3	EXDIR		✓		
4	D/ICS				
5	DDI				
6	DDA		✓		
7	DDO				
8	DDS&T				
9	Chm/NIC				
10	GC				
11	IG				
12	Compt				
13	D/EEO				
14	D/Pers				
15	D/OLL	✓			
16	C/PAO		✓		
17	SA/IA				
18	AO/DCI				
19	C/IPD/OIS				
20	C/SECDEF		✓		
21					
22					

SUSPENSE

Date

Remarks

Executive Secretary

Date

3637 (10-81)

NINETY-EIGHTH CONGRESS

PATRICIA SCHROEDER, COLO., CHAIRWOMAN  
 MORRIS K. UDALL, ARIZ.  
 KATIE HALL, IND.  
 GERRY SIKORSKI, MINN.

CHARLES PASHAYAN, JR., CALIF.  
 FRANK R. WOLF, VA.

## U.S. House of Representatives

COMMITTEE ON POST OFFICE AND CIVIL SERVICE

SUBCOMMITTEE ON CIVIL SERVICE

122 CANNON HOUSE OFFICE BUILDING

Washington, D.C. 20515

TELEPHONE (202) 225-4025

Executive Registry

83-5865

DD/A Registry

8330235/30

December 5, 1983

Honorable William J. Casey  
 Director of Central Intelligence  
 Central Intelligence Agency  
 Washington, DC 20505

Dear Mr. Casey:

The Subcommittee on Civil and Constitutional Rights of the Committee on the Judiciary and the Subcommittee on Civil Service of the Committee on Post Office and Civil Service have been conducting an investigation into National Security Decision Directive 84, an effort to eliminate the unauthorized disclosure of classified government information. One part of this Directive requires prepublication review of the writings of former government employees who had access to Sensitive Compartmented Information (SCI).

As part of this investigation, we plan to send out a questionnaire to former government employees who had access to highly classified information and who have published writings since leaving the government. Enclosed please find a copy of the letter we plan to send to these individuals.

Also enclosed please find a list of former employees of your agency which has been culled from the Op Ed pages of major newspapers in 1982. We request that you search your records to find current addresses for each of these individuals. We hope that you can supply us with this information within two weeks.

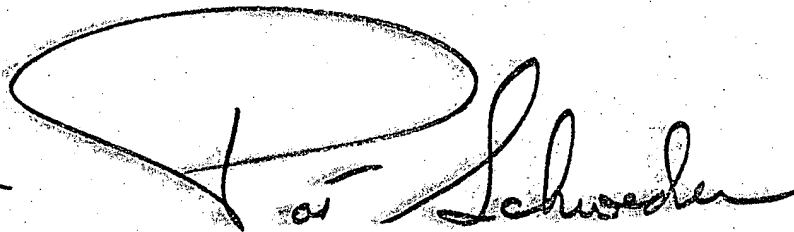
With kind regards,

Sincerely,



DON EDWARDS  
 Chairman  
 Subcommittee on Civil and  
 Constitutional Rights  
 Committee on the Judiciary

Enclosures



PATRICIA SCHROEDER  
 Chairwoman  
 Subcommittee on Civil Service  
 Committee on Post Office and  
 Civil Service



## D R A F T

Dear Former Government Official:

President Reagan, on March 11, 1983, issued National Security Decision Directive 84 (copy enclosed) which seeks to reduce the unauthorized disclosure of classified information. Among other things, the Directive requires that employees with access to certain types of restricted information sign non-disclosure agreements containing a requirement that the employee submit for prepublication review all writings "which contain or purport" any restricted or classified information or "any information concerning intelligence activities, source, or methods." This requirement applies for the rest of the employee's lifetime.

The Subcommittee on Civil and Constitutional Rights of the Committee on the Judiciary and the Subcommittee on Civil Service of the Committee on Post Office and Civil Service held joint hearings in April to explore the Directive and the need for it. Our joint investigation into this matter continues.

As part of this effort, we are writing to request your assistance. As former government official who has published articles or books concerning the issues you confronted while serving your country, you can provide us with valuable insight into the need for, value of, and problems with prepublication review. Therefore, we request that you respond to the questions below. Your answers will be valuable in the preparation of our committee report on this issue.

1. Please indicate the type of publication(s) in which your writing has appeared since you first left government service -- i.e., in books, newspaper articles, or works of fiction -- and whether the writing was related to your former government employment.
2. What position(s) did you hold in the Federal government? For what periods of time? Did you have access to classified information in such position? Did you have access to sensitive compartmented information (SCI) in such position?
3. What steps did you take to ensure that your publication(s) contained no classified information? Did you submit your entire publication for prepublication review or did you submit parts for review? If you submitted only a portion of your writing for prepublication review, on what basis did you decide which portions to submit?
4. If you have submitted any writings for prepublication review, what was your experience? To whom did you submit your material? Were you requested to delete material from your work? Were you permitted to show that the material was not classified? How long did it take to review the material?
5. Based on your experience with the prepublication review

process, do you believe that expanding its use is the most appropriate and effective means of preventing disclosure of classified information?

6. The Directive requires all former government officials with access to SCI information to submit all publications, including speeches and lectures, for prepublication review. Do you believe that requiring such officials to submit only those portions of writings which might contain classified information would be equally effective?

We are, of course, cognizant of the fact that this is a very hectic time for everyone. However, your earliest assistance in responding to this request will be most appreciated since the Committees believe it is important to conclude their inquiry.

Please indicate in your response if you prefer that your comments be kept confidential; otherwise, they will be made a part of our public record.

Helen Gonzales of the Judiciary Committee staff (226-7680) and Andrew Feinstein of the Post Office and Civil Service Committee staff (225-4025) are available to answer any questions you might have about this request.

With kind regards,

Sincerely,

DON EDWARDS  
Chairman  
Subcommittee on Civil and  
Constitutional Rights  
Committee on the Judiciary

PATRICIA SCHROEDER  
Chairwoman  
Subcommittee on Civil  
Service  
Committee on Post Office and  
Civil Service

UNCODED

STAT  Intelligence Officer  
Central Intelligence Agency

George Carver, Deputy for National Intelligence  
Central Intelligence Agency

William Colby, Director  
Central Intelligence Agency

Harry Rositzke, Official  
Central Intelligence Agency

Herbert Scoville, Deputy Director  
Central Intelligence Agency

Stansfield Turner, Director  
Central Intelligence Agency

General Counsel

83-09967

## ROUTING AND RECORD SHEET

DD/A Registry

SUBJECT: (Optional)

83-0235/28429

CIA Secrecy Agreement

FROM:

William J. Casey  
DCI  
7E-12, Hdqs.

EXTENSION

NO.

DATE

TO: (Officer designation, room number, and building)

DATE

RECEIVED

FORWARDED

OFFICER'S INITIALS

COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)

1. DDA  
7D-24, Hdqs.

15 DEC 1983

16 DEC 1983

R

F-42

2.

File

ADDA & DDA briefed  
16 Dec 83

3.

4.

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DCI  
EXEC  
REG

TRANSMITTAL SLIP		
TO: <i>REG</i>		
ROOM NO.	BUILDING	
REMARKS:  <i>Please make a copy of Link Routing sheet.</i>  <i>Thanks Cathie</i>		
FROM:		
ROOM NO.	BUILDING	EXTENSION

FORM NO. 241  
1 FEB 55

REPLACES FORM 36-8  
WHICH MAY BE USED.

(47)



83-09967

## ROUTING AND RECORD SHEET

DD/A Registry

83-0235/28129

SUBJECT: (Optional)

CIA Secrecy Agreement

FROM

EXTENSION

NO.

DATE

DD/A REGISTRY

FILE: 70-7

5 DEC 1983

Director of Security  
4E-60 Headquarters

TO: (Officer designation, room number, and building)

DATE

RECEIVED

FORWARDED

OFFICER'S INITIALS

COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)

1. General Counsel  
7C-36 Headquarters

2.

3. DDA  
7D-24 Headquarters

12-9-83

4.

5. Executive Director  
7E-12 Headquarters

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DDCI

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DCI

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15.

The proposed letter from the DCI to Mr. Robert C. McFarlane, Assistant to the President for National Security Affairs, notifies him of the Agency's intent to continue to use its Entrance-on-Duty Secrecy Agreement rather than to adopt the Classified Information Nondisclosure Agreement (Nda) promulgated by the Information Security Oversight Office.

5, 7, 9 - 3

I have attached a copy of the 1500 Nda on the left side of this folder.

Harry

FORM 1-79

610

USE PREVIOUS EDITIONS

Approved For Release 2008/09/02 : CIA-RDP85B01152R000801050010-5

<b>TRANSMITTAL SLIP</b>		DATE
TO: DDA Registry		
ROOM NO.	BUILDING	
REMARKS:		
FROM:		
ROOM NO.	BUILDING	EXTENSION

FORM NO. 241  
1 FEB 55

REPLACES FORM 36-8

(A7)

Approved For Release 2008/09/02 : CIA-RDP85B01152R000801050010-5

General Counsel

83-09967

## ROUTING AND RECORD SHEET

DD/A Registry

SUBJECT: (Optional)

83-0235/8928

CIA Secrecy Agreement

FROM

EXTENSION

NO.

Director of Security  
4E-60 Headquarters

DATE

5 DEC 1983

TO: (Officer designation, room number, and building)

DATE

OFFICER'S  
INITIALS

COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)

RECEIVED

FORWARDED

1. General Counsel  
7C-36 Headquarters

2.

3. DDA  
7D-24 Headquarters

4.

5. Executive Director  
7E-12 Headquarters

6.

7.

DDCI

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DCI

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15.

The proposed letter from the DCI to Mr. Robert C. McFarlane, Assistant to the President for National Security Affairs, notifies him of the Agency's intent to continue to use its Entrance-on-Duty Secrecy Agreement rather than to adopt the Classified Information Nondisclosure Agreement (NDA) promulgated by the Information Security Oversight Office.

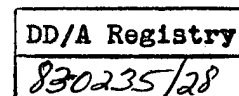
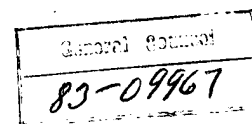
DD/A REGISTRY

FILE: 70-4

DCI  
EXEC  
REGFORM  
1-79

610

USE PREVIOUS  
EDITIONS



MEMORANDUM FOR: Director of Central Intelligence

VIA: Deputy Director of Central Intelligence  
Executive Director  
General Counsel

FROM: Harry E. Fitzwater  
Deputy Director for Administration

SUBJECT: CIA Secrecy Agreement

1. Action Requested: That you sign and send forward to Mr. Robert C. McFarlane, Assistant to the President for National Security Affairs, the attached letter explaining the intent of the Central Intelligence Agency to continue the use of its present Form 368, Entrance-on-Duty (EOD) Secrecy Agreement rather than using the Classified Information Nondisclosure Agreement (NDA) promulgated by the Information Security Oversight Office (ISOO) pursuant to National Security Decision Directive No. 84 (NSDD-84).


2. Background: The CIA EOD Agreement, which requires prepublication review, was affirmed by the U. S. Supreme Court holding in the Snepp case. The Classified Information NDA does not contain a prepublication review requirement. A strained reading of the provisions of NSDD-84 could support the view that the classified information NDA should supplant the CIA EOD Agreement unless specific authorization to retain the latter is obtained from the Director, ISOO.

There have been recent indications that such a reading is now being pushed by the Director, ISOO, and an element of the National Security Council (NSC) staff. The Director, ISOO, has promulgated in the Federal Register a statement which purports to require "mandatory" use of the Classified Information NDA by all agencies handling classified information, which presumably includes CIA. Also, a member of the NSC staff has written the CIA suggesting that we "update" our regulations to specifically reference the Classified Information NDA. Therefore, the issue of whether or not we are required to use the Classified Information NDA and abandon the CIA EOD Agreement (absent a special dispensation from ISOO) is squarely before us.

From a security standpoint, the CIA EOD Agreement is considered by Agency officials to be vastly superior to the Classified Information NDA. Moreover, we do not believe the Director of Central Intelligence is required to seek ISOO approval of CIA security standards and practices.

3. Recommendation: That you sign and forward the attached letter to the Assistant to the President for National Security Affairs.

ILLEGIB



Harry E. Fitzwater

Attachment

Distribution:

Orig - DCI  
1 - DDCI  
1 - ExDir  
1 - ER  
1 - OGC  
1 - DDA  
1 - D/Security  
④ - DDA Registry

ORIGINATOR:

STAT



Director of Security

7 DEC. 1983  
Date

Central Intelligence Agency

DD/A Registry

83-0235/29



Washington, D. C. 20505

DD/A REGISTRY

FILE: 70-4

14 DEC 1983

The Honorable Robert C. McFarlane  
Assistant to the President  
for National Security Affairs  
The White House  
Washington, D. C. 20500

Dear Bud:

In National Security Decision Directive No. 84 (NSDD-84), the President mandated the institution of certain security practices and procedures designed to improve the protection of classified information within the United States Government. One feature of the NSDD was a requirement that individuals being granted access to classified information sign, as a condition of such access, a legally binding agreement not to disclose classified information to unauthorized persons. To assist departments and agencies with no expertise in this area, NSDD-84 provided that the Director of the Information Security Oversight Office (ISOO) would develop a standardized form that would satisfy the requirements of the NSDD. Recently, such a standardized classified information nondisclosure agreement was promulgated by ISOO and made available for Government-wide use.

These efforts to protect classified information go a long way toward upgrading security within the Government and have my full support. However, the execution of a far more stringent, legally binding Secrecy Agreement is currently required as a condition of CIA employment and has been required by every Director of Central Intelligence (DCI) as a condition of employment since the CIA was established. The requirement that such a Secrecy Agreement be executed flows from the responsibility of the DCI to protect intelligence sources and methods from unauthorized disclosure as set forth in Section 102(d)(3) of the National Security Act of 1947. This responsibility has also been specifically recognized in National Security Council Intelligence Directive No. 1 and Executive Order 12333. Therefore, the Central Intelligence Agency does not need to use, and does not intend to use, the standardized form made available by ISOO.

NSDD-84 does not purport to divest the DCI of his responsibility under law to set CIA security standards that will ensure the protection of intelligence sources and methods, nor does it even suggest that ISOO's standardized form shall replace the CIA's more stringent Secrecy Agreement, which was upheld by the Supreme Court in the Snepp case. Since we do not believe it was ever intended that the NSDD substitute the judgment of the Director of ISOO for the judgment of the DCI concerning the level of protection necessary to safeguard classified information within CIA, we do not believe the NSDD can reasonably be construed as requiring the CIA to seek ISOO review of its Secrecy Agreement. Accordingly, we do not regard the CIA's Secrecy Agreement as being subject to ISOO review. We intend to continue the use of our current Form 368 Secrecy Agreement which I am enclosing a copy of for your information.

Yours,

**/s/ William J. Casey**

William J. Casey

Enclosure

Distribution:

Orig - Adse  
1 - DCI  
1 - DDCI  
1 - ExDir  
1 - ER  
1 - OGC  
1 - DDA  
1 - D/Security  
1 - DDA Registry

ORIGINATOR:

STAT



~~Director of Security~~

*7 DEC. 1983*

Date

# SECURITY AGREEMENT

1. I, \_\_\_\_\_ (print full name), hereby agree to accept as a prior condition of my being employed by, or otherwise retained to perform services for, the Central Intelligence Agency, or for staff elements of the Director of Central Intelligence (hereinafter collectively referred to as the "Central Intelligence Agency"), the obligations contained in this agreement.

2. I understand that in the course of my employment or other service with the Central Intelligence Agency I may be given access to information which is classified in accordance with the standards set forth in Executive Order 12356 as amended or superseded, or other applicable Executive Order, and other information which, if disclosed in an unauthorized manner, would jeopardize intelligence activities of the United States Government. I accept that by being granted access to such information I will be placed in a position of special confidence and trust and become obligated to protect the information from unauthorized disclosure.

3. In consideration for being employed or otherwise retained to provide services to the Central Intelligence Agency, I hereby agree that I will never disclose in any form or any manner any of the following categories of information or materials, to any person not authorized by the Central Intelligence Agency to receive them:

a. information which is classified pursuant to Executive Order and which I have obtained during the course of my employment or other service with the Central Intelligence Agency;

b. information, or materials which reveal information, classifiable pursuant to Executive Order and obtained by me in the course of my employment or other service with the Central Intelligence Agency.

4. I understand that the burden will be upon me to learn whether information or materials within my control are considered by the Central Intelligence Agency to fit the descriptions set forth in paragraph 3, and whom the Agency has authorized to receive it.

5. As a further condition of the special confidence and trust reposed in me by the Central Intelligence Agency, I hereby agree to submit for review by the Central Intelligence Agency all information or materials including works of fiction which contain any mention of intelligence data or activities, or contain data which may be based upon information classified pursuant to Executive Order, which I contemplate disclosing publicly or which I have actually prepared for public disclosure, either during my employment or other service with the Central Intelligence Agency or at any time thereafter, prior to discussing it with or showing it to anyone who is not authorized to have access to it. I further agree that I will not take any steps toward public disclosure until I have received written permission to do so from the Central Intelligence Agency.

6. I understand that the purpose of the review described in paragraph 5 is to give the Central Intelligence Agency an opportunity to determine whether the information or materials which I contemplate disclosing publicly contain any information which I have agreed not to disclose. I further understand that the Agency will act upon the materials I submit and make a response to me within a reasonable time. I further understand that if I dispute the Agency's initial classification determinations on the basis that the information in question derives from public sources, I may be called upon to specifically identify such sources. My failure or refusal to do so may by itself result in denial of permission to publish or otherwise disclose the information in dispute.

7. I understand that all information or materials which I may acquire in the course of my employment or other service with the Central Intelligence Agency which fit the descriptions set forth in paragraph 3 of this agreement are and will remain the property of the United States Government. I agree to surrender all materials reflecting such information which may have come into my possession or for which I am responsible because of my employment or other service with the Central Intelligence Agency, upon demand by an appropriate official of the Central Intelligence Agency, or upon the conclusion of my employment or other service with the Central Intelligence Agency.

8. I agree to notify the Central Intelligence Agency immediately in the event that I am called upon by judicial or congressional authorities to testify about, or provide, information which I have agreed herein not to disclose.

9. I understand that nothing contained in this agreement prohibits me from reporting intelligence activities which I consider to be unlawful or improper directly to the Intelligence Oversight Board established by the President or to any successor body which the President may establish. I recognize that there are also established procedures for bringing such matters to the attention of the Agency's Inspector General or to the Director of Central Intelligence. I further understand that any information which I may report to the Intelligence Oversight Board continues to be subject to this agreement for all other purposes and that such reporting does not constitute public disclosure or declassification of that information.



10. I understand that any breach of this agreement by me may result in the Central Intelligence Agency taking administrative action against me, which can include temporary loss of pay or termination of my employment or other service with the Central Intelligence Agency. I also understand that if I violate the terms of this agreement, the United States Government may institute a civil proceeding to seek compensatory damages or other appropriate relief. Further, I understand that the disclosure of information which I have agreed herein not to disclose can, in some circumstances, constitute a criminal offense.

11. I understand that the United States Government may, prior to any unauthorized disclosure which is threatened by me, choose to apply to any appropriate court for an order enforcing this agreement. Nothing in this agreement constitutes a waiver on the part of the United States to institute a civil or criminal proceeding for any breach of this agreement by me. Nothing in this agreement constitutes a waiver on my part of any possible defenses I may have in connection with either civil or criminal proceedings which may be brought against me.

12. In addition to any other remedy to which the United States Government may become entitled, I hereby assign to the United States Government all rights, title, and interest in any and all royalties, remunerations, and emoluments that have resulted or will result or may result from any divulgence, publication or revelation of information by me which is carried out in breach of paragraph 5 of this agreement or which involves information prohibited from disclosure by the terms of this agreement.

13. I understand and accept that, unless I am provided a written release from this agreement or any portion of it by the Director of Central Intelligence or the Director's representative, all the conditions and obligations accepted by me in this agreement apply both during my employment or other service with the Central Intelligence Agency, and at all times thereafter.

14. I understand that the purpose of this agreement is to implement the responsibilities of the Director of Central Intelligence, particularly the responsibility to protect intelligence sources and methods, as specified in the National Security Act of 1947, as amended.

15. I understand that nothing in this agreement limits or otherwise affects provisions of criminal or other laws protecting classified or intelligence information, including provisions of the espionage laws (sections 793, 794 and 798 of Title 18, United States Code) and provisions of the Intelligence Identities Protection Act of 1982 (P. L. 97-200; 50 U. S. C., 421 *et seq.*).

16. Each of the numbered paragraphs and lettered subparagraphs of this agreement is severable. If a court should find any of the paragraphs or subparagraphs of this agreement to be unenforceable. I understand that all remaining provisions will continue in full force.

17. I make this agreement in good faith, and with no purpose of evasion.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

The execution of this agreement was witnessed by the undersigned, who accepted it on behalf of the Central Intelligence Agency as a prior condition of the employment or other service of the person whose signature appears above.

**WITNESS AND ACCEPTANCE:**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Date



UNITED STATES GENERAL ACCOUNTING OFFICE  
WASHINGTON, D.C. 20548

NATIONAL SECURITY AND  
INTERNATIONAL AFFAIRS DIVISION

B-206067

OCT 18 1983

The Honorable Jack Brooks  
Chairman, Subcommittee on  
Legislation and National Security  
Committee on Government Operations  
House of Representatives

Dear Mr. Chairman:

Subject: Effect of National Security Decision  
Directive - 84, Safeguarding National  
Security Information (GAO/NSIAD-84-26)

Your May 18, 1983, letter requested that we assist the subcommittee in its review of the subject directive which was issued March 11, 1983. (See enclosures IV and V.)

On June 14, 1983, you sent a questionnaire to those agencies and offices that handle classified information. You asked the General Accounting Office to review and analyze the responses, which we did. Subsequently, we were asked to obtain additional information from the agencies, pertaining primarily to their experience with unauthorized disclosures and the ensuing investigations. Most of the information obtained from the agencies, as a result of your questionnaire and our inquiries, is included in enclosure I. Enclosures II and III, respectively, include a listing of the Executive Branch agencies and offices that handle classified information and a summary of some of the information obtained from those agencies.

Executive Order 12356, on national security information, provides that the Director of the Information Security Oversight Office oversee agency actions to ensure compliance with the order and implementing directives. That office furnished us a listing of the agencies and offices handling classified information, which was used by your staff to mail questionnaires. The Central Intelligence Agency and National Security Agency were excluded from our summaries because of the sensitivity of their operations. We did not verify the information reported by the agencies; however, in many cases we requested clarification. Where actual figures were not readily available, agencies were

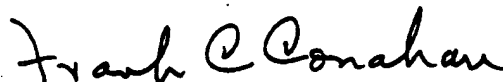
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B-206067

asked to provide estimates. Therefore, our compilation includes actual figures and estimates.

Copies of this report will be sent to all agencies that provided information and to other interested parties upon request.

Sincerely yours,

A handwritten signature in dark ink, appearing to read "Frank C. Conahan". The signature is written in a cursive, slightly slanted style.

Frank C. Conahan  
Director

Enclosures - 5

ENCLOSURE I

ENCLOSURE I

Responses To Questions Of The Legislation  
and National Security Subcommittee  
House Committee on Government Operations

QUESTION 1

Approximately how many full- and part-time people were employed by the federal government as of December 31, 1982?

RESPONSE

There were 5,137,280 federal civilian and military personnel.

QUESTION 2

Approximately how many federal employees and contractor employees had security clearances as of December 31, 1982?

RESPONSE

There were about 2.5 million federal and 1.5 million contractor employees with security clearances at the levels shown below.

<u>Level of clearance</u>	<u>Federal employees</u>	<u>Contractor employees</u>
Top Secret	463,599	266,922
Secret	2,054,906	940,324
Confidential	<u>17,378</u>	<u>305,507</u>
Total	<u>2,535,883</u>	<u>1,512,753</u>

Of the total number of federal employees--5,137,280--about 9 percent had top secret clearances and 40 percent had secret clearances.

QUESTION 3

Approximately how many federal and contractor employees had access to Sensitive Compartmented Information (SCI) as of December 31, 1982?

ENCLOSURE I

ENCLOSURE I

RESPONSE

There were 112,660 federal employees and 15,090 contractor employees with SCI access.

QUESTION 4

Approximately how many federal employees had authority to originally classify information and how many could classify information on a derivative basis?

RESPONSE

There were 5,703 federal employees with authority to originally classify information and 2,484,541 who could classify information on a derivative basis. Derivative classification occurs when an individual (1) reproduces, extracts, or summarizes classified information, (2) applies classification markings derived from source material, or (3) follows instructions included in a classification guide. Generally, most federal employees can apply classification markings on a derivative basis up to, and including, their level of clearance. The following tabulation shows the number of individuals with original classification authority and those who can classify on a derivative basis.

<u>Highest level of classification</u>	<u>Number of employees who can classify information</u>	
	<u>Originally</u>	<u>Derivatively</u>
Top Secret	1,015	428,287
Secret	3,233	2,040,206
Confidential	1,455	16,048
Total	5,703	2,484,541

QUESTION 5

How many agencies used the polygraph during calendar year 1982?

RESPONSE

Six agencies--the Departments of Defense, Justice, Treasury, and Health and Human Services, Postal Service, and

ENCLOSURE I

ENCLOSURE I

Tennessees Valley Authority--were using the polygraph; however, the latter four agencies were using it primarily in connection with criminal investigations and employee misconduct.

CIA?

QUESTION 6

Approximately how many polygraph operators were employed as of December 31, 1982?

RESPONSE

Agencies employed 194 polygraph operators and had 14 under contract as of December 31, 1982. Twenty-eight of the government polygraph operators and the 14 operators under contract were not being used in connection with national security matters.

QUESTION 7

During calendar year 1982, approximately how many books, articles, speeches, and other materials were reviewed during the prepublication process?

RESPONSE

The following tabulation shows types and quantities of information reviewed during calendar year 1982.

Books	68
Articles	7,805
Speeches	2,887
Pages not specified	92,918
Articles & Books not specified	1,859
Other	7,463

QUESTION 8

What was the average number of working days that elapsed from the date of receipt of a request for prepublication review of a document to the date that the requestor was informed of the final results?

ENCLOSURE I

ENCLOSURE I

RESPONSE

The following shows the range of time (in days) reported by the agencies for the prepublication process.

	<u>Number of days</u>
Books	9 to 30
Articles	1 to 22
Speeches	1 to 20
Others	5 to 74

QUESTION 9

During calendar 1982, approximately how many employees were assigned and how many working days were used for prepublication reviews, Freedom of Information Act requests, and requests for mandatory reviews for declassification under Executive Order 12356?

RESPONSE

Agencies used about 2,994 full-time employees and about 315,340 working days to review the three categories of information, as shown below.

	<u>Estimated number of employees assigned</u>	<u>Estimated number of working days used</u>
Prepublication review	145	9,276
Freedom of Information Act	2,577	295,312
Mandatory reviews	<u>272</u>	<u>10,752</u>
Total	<u><u>2,994</u></u>	<u><u>315,340</u></u>

QUESTION 10

How many unauthorized disclosures of classified information were there during calendar years 1978 through 1982? How many of these were made through writings or speeches of current of former employees, and how many involved SCI?

ENCLOSURE I

ENCLOSURE I

RESPONSE

Eight agencies reported unauthorized disclosures of classified information during the 5-year period. Six of these agencies reported 328 known unauthorized disclosures of classified information. The other two agencies were unable to provide specific information. Of the 328 reported unauthorized disclosures, 21 were made through writings or speeches and, of these, possibly 2 involved SCI. (In one the disclosure was made during questioning by a reporter.)

QUESTION 11

How many unauthorized disclosures of classified information were investigated internally?

RESPONSE

Two Hundred Eighty-three cases were investigated internally.

QUESTION 12

As a result of the investigations of unauthorized disclosures, how many cases resulted in administrative action against the suspects and how many resulted in prosecution and conviction?

RESPONSE

Administrative action was taken in 11 cases, but there were no prosecutions or convictions.

QUESTION 13

In how many investigations of unauthorized disclosures was the polygraph used; what were the results of the polygraph; and when deception was indicated, how many cases resulted in administrative action?

RESPONSE

The polygraph was used 36 times during 2 investigations. Deception was indicated two times (nondeception indicated in the other 34), and administrative action was taken once.



ENCLOSURE I

ENCLOSURE I

QUESTION 14

How many unauthorized disclosure cases were reported to the FBI for investigation?

RESPONSE

Thirty-nine cases were reported to the FBI for investigation.

ENCLOSURE II

ENCLOSURE II

EXECUTIVE BRANCH AGENCIES AND OFFICES  
THAT HANDLE CLASSIFIED INFORMATION

Department of Agriculture  
Agency for International Development  
U.S. Arms Control and Disarmament Agency  
Central Intelligence Agency  
Civil Aeronautics Board  
Department of Commerce  
Department of Defense  
Department of Education  
Department of Energy  
Environmental Protection Agency  
Export-Import Bank  
Farm Credit Administration  
Federal Communications Commission  
Federal Emergency Management Agency  
Federal Home Loan Bank Board  
Federal Maritime Commission  
Federal Reserve System  
General Services Administration  
Department of Health and Human Services  
Department of Housing and Urban Development  
Department of the Interior  
Board for International Broadcasting  
U.S. International Trade Commission  
Interstate Commerce Commission  
Department of Justice  
Department of Labor  
Marine Mammal Commission  
Office of Micronesian Status Negotiations  
National Aeronautics and Space Administration  
National Labor Relations Board  
National Science Foundation  
National Transportation Safety Board  
Nuclear Regulatory Commission  
Overseas Private Investment Corporation  
Peace Corps  
Office of Personnel Management  
U.S. Postal Service  
Executive Office of the President  
Securities and Exchange Commission  
Selective Service System  
Small Business Administration  
Department of State  
Tennessee Valley Authority  
Department of Transportation  
Department of the Treasury  
United States Information Agency  
Veterans Administration

## ENCLOSURE III

## ENCLOSURE III

Information obtained  
From Executive Branch Agencies  
that Handle Classified Information

	TOTAL	DEPT. OF DEFENSE <sup>1/</sup>	DEPT. OF STATE	DEPT. OF JUSTICE	DEPT. OF ENERGY	NUCLEAR REGULATORY COMMISSION	DEPT. OF TRANSPOR- TATION	OTHER AGENCIES <sup>2/</sup>
Number of employees	5,137,280	3,350,582	14,688	58,536	17,390	3,770	99,749	1,592,565
Level of access: Agency employees—								
Top Secret	463,599	394,610	13,147	25,775	4,800	1,960	531	22,776
Secret	2,054,906	1,993,990	1,629	4,555	2,300	0	4,468	47,964
Confidential	17,378	9,325	0	869	0	1,810	266	5,102
Contractor employees—								
Top Secret	266,922	105,632	330	246	160,000	317	0	397
Secret	940,324	869,504	1,760	112	66,000	0	0	2,948
Confidential	305,507	304,996	110	80	0	219	0	109
SCI access: Agency employees	112,660	102,107	4,352	2,472	240	42	40	3,407
Contractor employees	15,090	14,318	163	20	499	0	0	90
Agencies employing or contracting for polygraph operators	6	yes	no	yes	no	no	no	4
Number of polygraph operators employed in 1982:								
Agency employee	194	112	0	54	0	0	0	28
Contractor	14	0	0	0	0	0	0	14
Agencies with unauthorized disclosures of classified information in last 5 years	8	yes	yes	yes	yes	yes	yes	2
Number of known unauthorized disclosures in last 5 years	328	150	88	12	20	11	47	<u>4/</u>
Number made through writing or speeches:								
By then former or current employees	21	1	1	0	17	2	0	<u>4/</u>
Involving SCI	2	1	0	0	0	1	0	<u>4/</u>
Number of disclosures investigated internally	283	137	88	<u>3/</u>	0	11	47	<u>4/</u>
Number of disclosures reported to FBI for investigation	39	16	10	<u>3/</u>	13	0	0	<u>4/</u>
Number of investigations involving the use of a polygraph	2	2	0	<u>3/</u>	0	0	0	<u>4/</u>
Number of times polygraph used in investigations	36	36	0	<u>3/</u>	0	0	0	<u>4/</u>
When used, polygraph results showed:								
Deception	2	2		<u>3/</u>				<u>4/</u>
Non deception	34	34	N/A		N/A	N/A	N/A	<u>4/</u>
Inconclusive	0	0						
No opinion	0	0						
Number of times administrative action was taken when deception was indicated	1	1	N/A	<u>3/</u>	N/A	N/A	N/A	<u>4/</u>
Number of times administrative action was taken as a result of other investigations	11	5	4	<u>3/</u>	2	0	0	<u>4/</u>
Number of investigations resulting in prosecution and conviction	0	0	0	<u>3/</u>	0	0	0	<u>4/</u>

<sup>1/</sup>Does not include National Security Agency.

<sup>2/</sup>Does not include Central Intelligence Agency.

<sup>3/</sup>Information was not provided in time for inclusion in the chart.

<sup>4/</sup>Information was not available.

March 11, 1983

## NATIONAL SECURITY DECISION DIRECTIVE - 84

Safeguarding National Security Information

As stated in Executive Order 12356, only that information whose disclosure would harm the national security interests of the United States may be classified. Every effort should be made to declassify information that no longer requires protection in the interest of national security.

At the same time, however, safeguarding against unlawful disclosures of properly classified information is a matter of grave concern and high priority for this Administration. In addition to the requirements set forth in Executive Order 12356, and based on the recommendations contained in the interdepartmental report forwarded by the Attorney General, I direct the following:

1. Each agency of the Executive Branch that originates or handles classified information shall adopt internal procedures to safeguard against unlawful disclosures of classified information. Such procedures shall at a minimum provide as follows:

a. All persons with authorized access to classified information shall be required to sign a nondisclosure agreement as a condition of access. This requirement may be implemented prospectively by agencies for which the administrative burden of compliance would otherwise be excessive.

b. All persons with authorized access to Sensitive Compartmented Information (SCI) shall be required to sign a nondisclosure agreement as a condition of access to SCI and other classified information. All such agreements must include a provision for prepublication review to assure deletion of SCI and other classified information.

c. All agreements required in paragraphs 1.a. and 1.b. must be in a form determined by the Department of Justice to be enforceable in a civil action brought by the United States. The Director, Information Security Oversight Office (ISOO), shall develop standardized forms that satisfy these requirements.

d. Appropriate policies shall be adopted to govern contacts between media representatives and agency personnel, so as to reduce the opportunity for negligent or deliberate disclosures of classified information. All persons with authorized access to classified information shall be clearly apprised of the agency's policies in this regard.

2. Each agency of the Executive Branch that originates or handles classified information shall adopt internal procedures to govern the reporting and investigation of unauthorized disclosures of such information. Such procedures shall at a minimum provide that:

a. All such disclosures that the agency considers to be seriously damaging to its mission and responsibilities shall be evaluated to ascertain the nature of the information disclosed and the extent to which it had been disseminated.

b. The agency shall conduct a preliminary internal investigation prior to or concurrently with seeking investigative assistance from other agencies.

c. The agency shall maintain records of disclosures so evaluated and investigated.

d. Agencies in the possession of classified information originating with another agency shall cooperate with the originating agency by conducting internal investigations of the unauthorized disclosure of such information.

e. Persons determined by the agency to have knowingly made such disclosures or to have refused cooperation with investigations of such unauthorized disclosures will be denied further access to classified information and subjected to other administrative sanctions as appropriate.

3. Unauthorized disclosures of classified information shall be reported to the Department of Justice and the Information Security Oversight Office, as required by statute and Executive orders. The Department of Justice shall continue to review reported unauthorized disclosures of classified information to determine whether FBI investigation is warranted. Interested departments and agencies shall be consulted in developing criteria for evaluating such matters and in determining which cases should receive investigative priority. The FBI is authorized to investigate such matters as constitute potential violations of federal criminal law, even though administrative sanctions may be sought instead of criminal prosecution.

4. Nothing in this directive is intended to modify or preclude interagency agreements between FBI and other criminal investigative agencies regarding their responsibility for conducting investigations within their own agencies or departments.

5. The Office of Personnel Management and all departments and agencies with employees having access to classified information are directed to revise existing regulations and policies, as necessary, so that employees may be required to submit to polygraph examinations, when appropriate, in the course of investigation of unauthorized disclosures of classified information. As a minimum, such regulations shall permit an agency to decide that appropriate adverse consequences will follow an employee's refusal to cooperate with a polygraph examination that is limited in scope to the circumstances of the unauthorized disclosure under investigation. Agency regulations may provide that only the head of the agency, or his delegate, is empowered to order an employee to submit to a polygraph examination. Results of polygraph examinations should not be relied upon to the exclusion of other information obtained during investigations.

6. The Attorney General, in consultation with the Director, Office of Personnel Management, is requested to establish an interdepartmental group to study the federal personnel security program and recommend appropriate revisions in existing Executive orders, regulations, and guidelines.

NINETY-EIGHTH CONGRESS

# Congress of the United States

## House of Representatives

LEGISLATION AND NATIONAL SECURITY SUBCOMMITTEE  
OF THE

COMMITTEE ON GOVERNMENT OPERATIONS

RAYBURN HOUSE OFFICE BUILDING, ROOM 8-373

WASHINGTON, D.C. 20515

May 18, 1983

ENCLOSURE V

ENCLOSURE V

Honorable Charles A. Bowsher  
Comptroller General of the United States  
U.S. General Accounting Office  
441 G Street, N.W.  
Washington, D.C. 20548

Dear General:

The Legislation and National Security Subcommittee is reviewing the Presidential Directive, "Safeguarding National Security Information," issued March 11, 1983. Because of the potential impact of this Directive on our security interests, the morale of Government employees, and the efforts of the Government to recruit well-qualified personnel, the inquiry is of special importance.

It would be appreciated if you would assist the inquiry by gathering the following facts pertinent to an evaluation of the Directive's possible impact:

1. a list of agencies which have classified material, the number of employees in each agency, and the current plans of each such agency to implement the non-disclosure agreements retrospectively or prospectively;
2. the number of persons, by agency and department and for the private sector, with access to classified information and Sensitive Compartmented Information;
3. the number of persons with authority to classify information;
4. the number of trained polygraphers employed by each agency or department in the Federal Government in that capacity and their required qualifications;
5. the number of persons currently employed in the pre-clearance for publication of employees' and former employees' written material by agency and department; the number of books, articles, and speeches they typically review in a month; and the average turn-around time for clearance of each type of material;
6. the number of unauthorized disclosures of classified information for each of the last five years of which the Executive Branch is aware; the highest level of classification of the material disclosed in each instance; and the highest classification to which the discloser (if known) was authorized access.

Honorable Charles A. Bowsher  
May 18, 1983  
Page 2

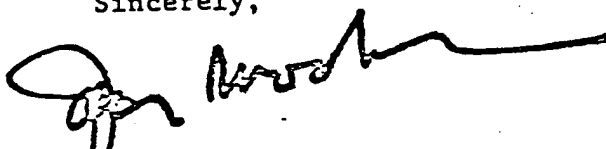
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It is understood that certain agencies and departments may not be able to supply all of the data requested with specificity. If an estimate is all that can be obtained, the Subcommittee would appreciate learning the facts which might affect the parameters of the estimate. If the information is simply unknown, that fact will also be valuable. It is also possible that, as your work progresses, further areas which require more facts may appear.

Because of the magnitude of the policy involved and the possibility that the Directive will be implemented quickly, it is hoped that you will find it possible to devote maximum staff resources to this effort.

Thank you very much for your attention to this request. With every good wish to you, I am

Sincerely,

A handwritten signature in dark ink, appearing to read 'Jack Brooks', with a long, sweeping horizontal line extending to the right.

JACK BROOKS  
Chairman